

MANAGEMENT MEMO

NUMBER:

MM 05-18

SUBJECT:

DATE ISSUED:
DECEMBER 6, 2005UTILIZATION OF STATE OWNED OR STATE LEASED
FACILITIES BY STATE AGENCIESEXPIRES:
UNTIL RESCINDED

REFERENCES:

GOVERNMENT CODE SECTION 14682

ISSUING AGENCY:
DEPARTMENT OF
GENERAL SERVICES
(DGS) REAL ESTATE
SERVICES DIVISION
(RESD)**Purpose of
this
Memorandum**

This Management Memo notifies agencies and departments of the passage of Senate Bill 245 (Battin) (Ch. 107, Stats. of 2005) that adds Section 14682 to the California Government Code (GC). This new statute supports and codifies the existing policy directives contained in State Administrative Manual (SAM) Section 1310.3. Agencies are directed to GC Section 14682 and SAM Section 1310.3 regarding the assignment and use of State-owned office space under the jurisdiction of the Department of General Services (DGS).

Background

Prior to passage of SB 245, SAM Section 1310.3 identified the State's policy. The existing policy has been strengthened and codified through the passage of SB 245, which will formally take effect January 1, 2006.

Policy

This new statute increases the jurisdiction of the DGS over real property it owns or otherwise controls. It grants the DGS final determination over the use of existing DGS-owned and controlled facilities to ensure that they are fully utilized prior to the DGS' leasing of additional space for client State agencies. It also requires that when tenant agencies or departments located in existing State-owned facilities vacate the premises, they continue to pay rent for the facilities unless and until a new tenant can be assigned to the space. If the DGS generates the tenant's relinquishment in a DGS-owned facility or the tenant is vacating in accordance with the provisions of the lease agreement the tenant shall not be obligated to pay rent after vacating the premises.

**DGS
Contact**

James S. Derby
RESD Policy Coordinator
(916)376-1827
jim.derby@dgs.ca.gov

Original Memo signed by Ron Joseph, Director

Signature

Ron Joseph
Director